

TWELFTH DAY

(Friday, April 2, 1954)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Parkhouse
Ashley	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Wagonseller
Moffett	Weinert
Moore	Willis

Absent—Excused

Bell	Hazlewood
Bracewell	Latimer

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Latimer was granted leave of absence, on account of important business, on motion of Senator Kazen.

Senator Bell was granted leave of absence, on account of important business, on motion of Senator Hardeman.

Senator Bracewell was granted leave of absence, on account of important business, on motion of Senator Secrest.

Senator Hazlewood was granted leave of absence, on account of illness, on motion of Senator McDonald.

Senate Resolution 53

Senator Rutherford offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Miss Agnes Martin and her Civics Class of Odessa High School; and

Whereas, Odessa, Texas and Ector County are proud of this group whose profound interest in their State Government and particularly pending legislation is evidenced by this visit to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas; and that they be extended an official welcome.

The resolution was read and was adopted.

Senator Rutherford presented the students and Miss Martin to the Members of the Senate.

Presentation of Guests

Senator Phillips, by unanimous consent, presented Mr. and Mrs. Gayle "Phillips kinfolks" and Misses Monette Huling and Nancy Lane to the Members of the Senate.

Senate Resolution 54

Senator Parkhouse offered the following resolution:

Whereas, Julius Schepps, dynamic Dallas businessman, has been awarded the 1953 Linz Award for outstanding civic service to his community; and

Whereas, Mr. Schepps thus became the twenty-fifth Dallas citizen who has been selected to this high honor, symbolic of the highest achievement in community service; and

Whereas, His outstanding work in the erection of the Dallas Home for the Jewish Aged, the State Fair of Texas, Salesmanship Club, Variety Club, and the Southwestern Medical Foundation; his volunteer efforts for humanitarian causes such as the Community Chest, Salvation Army, Red Cross, Boy's Ranch, and his continuing services for every movement for the betterment of Dallas religious, educational welfare and business, surely entitles him to this high honor; and

Whereas, This fine Texan is not only a leader in many worthy projects for the advancement of his city, county and state, but he also proves his value as a worker in the ranks of such enterprises; now, therefore, be it

Resolved, That this outstanding citizen of Texas be fittingly recognized by his fellow Texans, and that the Senate hereby extend our most hearty

congratulations to Julius Schepps on being elected the outstanding citizen of Dallas for the year 1953; and be it further

Resolved, That a copy of this resolution be transmitted to him.

PARKHOUSE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Harde-
man, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Phillips, Rogers of Travis, Rogers of Childress, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Kelley, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 55

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. C. H. Parker of Wichita Falls, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Presentation of Guests

Senator Rogers of Childress, by unanimous consent, presented Mr. and Mrs. J. D. Michie of Childress to the Members of the Senate.

Resolutions Signed

The President signed, in the presence of the Senate, after the captions had been read, the following enrolled resolutions:

S. C. R. No. 1, Memorializing Congress relating to proposed amendment to the Constitution on treaty-making powers.

S. C. R. No. 6, Designating Edward, James and George Taylor as persons for whom Taylor County was named.

Senate Concurrent Resolution 8

Senator Willis offered the following resolution:

S. C. R. No. 8, Relative to State Song "Texas, My Texas."

Whereas, In the Summer of 1924, a contest for the State song was announced by Governor Pat M. Neff, and in December of that year, a committee of 15 lawyers, teachers, businessmen, musicians and others, selected by Gov. Neff met in Austin for three days, and after looking through more than 300 songs submitted from all States of the Union, and five foreign countries, the committee selected Texas, Our Texas; and

Whereas, The words of Texas, Our Texas, as submitted by Gladys Yoa-kum Wright and William J. Marsh, with music by William J. Marsh, were found by the committee to have all the requirements of a patriotic song and original inspiring music; and

Whereas, In January, 1925, Texas, Our Texas was recommended by Governor Neff to the Legislature as worthy of adoption as official State song being selected with six other songs "to be heard by the people";

Whereas, In the Summer of 1927, the Senate appointed Senator Margie Neal, descendant of Francis Scott Key, to select a State Song Committee, which held contests in each of the 31 Senatorial districts, and the winners of these contests were heard with the other seven songs in Dallas, by a specially selected Legislative Committee sitting for three days, and Texas, Our Texas was chosen again over 1000 songs submitted; and

Whereas, In May of 1929, Senator Neal urged the Senate to adopt the Song, which had won so often, as the Official State Song and by unanimous vote, the Senate approved, on May 13, the House approved, on May 20, the bill being signed by Gov. Dan Moody, May 23; and

Whereas, On March 11, 1930, formal acceptance of the Song took place at a joint session of both Houses. Hon. Pat M. Neff was principal speaker, eloquently dwelling on the theme, "Love of country has al-

ways found its highest expression in Song." Others on the program were Pearl Calhoun Davis, soprano from Fort Worth, Wednesday Morning Club chorus from Austin, Miss Willie Stephens, Director of Music in the Public Schools of Austin, the writers of the song, Gov. Moody, and Senator Neal, who presided, the happy occasion ending at 11 p. m. after developing into a general sing; and

Whereas, From 1936 to 1954 through Centennial celebrations, inaugurations, graduations and patriotic occasions, Texas, Our Texas, has held its place in the lives of all Texans, reaching its Silver Anniversary with ever-increasing prestige; and

Whereas, For many years the Texas Federation of Music Clubs have conducted a campaign to familiarize and emphasize Texas, Our Texas as the official State Song and said clubs have suggested definite rules of etiquette for the formal use of the official State Song in order to preserve its proper status; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Texas, Our Texas be sung or played on the following occasions:

1. At the inauguration of Governors of Texas.
2. At the opening of sessions of the Legislature.
3. At all official appearances of the Governor, if possible.
4. On all occasions when Texas is to be officially recognized, if possible.
5. On all holidays when our Texas heritage is especially revered, such as March 2, April 21, and other appropriate occasions when possible.
6. At all graduations and commencements of Texas schools and colleges when possible; and be it further

Resolved, That all should stand when Texas, Our Texas is sung in respect to our great State of Texas; and be it further

Resolved, That a copy of this resolution be spread upon the Journal of the House of Representatives, and of the Senate; and that the Secretary of the Senate of Texas be instructed to forward 100 copies of this resolution under the seal of the State of Texas to Mrs. Charles Stephens, Chairman, and Mrs. Rush

R. Brader, Co-chairman, of the Texas State Song Anniversary Committee, Fort Worth, Texas, for distribution to Music Study groups throughout the State of Texas; and be it further

Resolved, That copies of this resolution be mailed to Gladys Yoakum Wright and William J. Marsh in honor and recognition of their outstanding services to the State of Texas.

WILLIS
WAGONSELLER

The resolution was read.

Senator Willis asked unanimous consent to consider the resolution immediately.

There was objection.

Question—Shall S. C. R. No. 8 be adopted?

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 2, 1954.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 7, Extending congratulations to Temple Beth Israel of Houston, Texas.

H. C. R. No. 24, Congratulating the citizens of Erath County on the occasion of their one hundredth anniversary celebration.

H. B. No. 8, Levying a tax on gas brought to the surface of the earth and reduced to possession, with certain exceptions; providing that tax shall be paid by the "beneficial owner" of such gas, and by those owning the working interest in the event there is no "beneficial owner" as that term is defined; defining terms; excluding certain gases in determining the quantity for calculation of said tax; providing for certain reports; providing for payment of the tax; providing for liens to secure payment of the tax; etc.; and declaring an emergency.

H. C. R. No. 23, Declaring legislative policy concerning refunds to gas consumers in all instances in which gas gatherers or distributors secured rate increases based on gas-gathering taxes which have been or will be refunded.

H. C. R. No. 25, Relating to the Coryell County Centennial Celebration.

H. C. R. No. 26, Congratulating the Boys' Choir of the Houston Youth Symphony and inviting them for a Joint Session on Monday, April 5, 1954.

H. B. No. 30, To validate the establishment, organization, and/or creation of all School Districts; validating the consolidation of School Districts, the annexation and detachment of territory of School Districts, the acts of county boards of school trustees, County Judges, Commissioners Courts, boards of trustees of such School Districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said Districts; etc.; and declaring emergency.

H. B. No. 57, Validating contracts for supplemental water supply here-

tofore executed by and between Eligible Cities and Eligible Districts, as defined herein, when the payments under any such contract are to be made from the water revenues of such City, imposing no tax obligation on the City; enacting other provisions related to the subject; providing the Act shall not apply to any contract between any Eligible City and District involved in litigation; and declaring an emergency.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Martin, the Senate, at 10:50 o'clock a. m., adjourned until 10:30 o'clock a. m. on Monday, April 5, 1954.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

In Memory of
Doctor A. Joseph Armstrong

Senator Secrest offered the following resolution:

(Senate Resolution 52)

Whereas, On March 31, 1954, death came, as it must to all men, to Doctor A. Joseph Armstrong, the world's leading authority on the works of the poet Robert Browning and an internationally-famous teacher of literature; and

Whereas, Doctor Armstrong was born in Louisville, Kentucky, on March 29, 1873, and in the face of many adversities he earned his A.B. and M.A. degrees at Wabash College in Indiana at the age of twenty-nine. In 1902 Doctor Armstrong accepted the assignment to teach at Rusk Baptist Academy at Rusk, Texas. After a three months stay he joined the faculty of Illinois Wesleyan College in Bloomington, Illinois. After three years at Illinois Wesleyan Doctor Armstrong began studying for his Ph.D. at the University of Pennsylvania. He received the degree in 1908. In the fall of 1908 Doctor Armstrong came to Baylor University and in the fall of 1912 Doctor Armstrong became the permanent head of the English Department of Baylor University; and

Whereas, Doctor Armstrong was a leading influence in making Baylor University a center of culture in the Southwest; and

Whereas, Doctor Armstrong, through his untiring effort led in the establishment of the world-famous Armstrong Browning Library that is housed on the campus of Baylor University; now therefore, be it

Resolved, That the Senate of the State of Texas does here and now pay tribute to this outstanding Christian teacher and leader and that we extend our sincere sympathy to his widow, Mrs. Mary Maxwell Armstrong, and to his son, Richard Maxwell Armstrong; and be it further

Resolved, That a copy of this resolution be sent to members of the bereaved family, to the President of Baylor University, and to the Browning Library to be placed in its archives; and be it further

Resolved, That a page be set aside in the Senate Journal in honor and in memory of Doctor Armstrong.

The resolution was read and was adopted by a rising vote of the Senate.